

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION No. 3:12-cv-00294-DSC**

**INTERNATIONAL ENGINEERING &  
TRADING CORPORATION,**

**Plaintiff,**

**v.**

**INGERSOLL-RAND COMPANY**

**Defendant**

**v.**

**CLEVELAND HOLDINGS, INC. d/b/a  
D-TEK MANUFACTURING  
and T & B FOUNDRY COMPANY**

**Counterclaim-Defendants**

**ORDER**

**THIS MATTER** is before the Court on “Defendants’ Motion to Submit Substitute Memorandum in Support of Motion for Sanctions Due to Plaintiff’s Spoliation of Evidence” (document #159).


Defendants admit that their initial “... Memorandum of Law in Support of their Motion for Sanctions Due to the Plaintiff’s Spoliation of Evidence” (document #106) exceeded the Court’s 3000 word limit. Accordingly, Defendants’ “... Memorandum of Law in Support of their Motion for Sanctions Due to the Plaintiff’s Spoliation of Evidence” (document #106) is **STRICKEN**.

For this reason and the other reasons stated in “Plaintiff’s Memorandum of Law in Opposition to Defendants’ Motion for for Sanctions for Spoliation of Evidence” n. 1 at 3 (document #150), “Defendant’s Motion to Submit Substitute Memorandum in Support of Motion for Sanctions Due to Plaintiff’s Spoliation of Evidence” (document #159) is **DENIED**.

The Court will allow Defendants to file a reply brief in support of their "... Motion for Sanctions Due to the Plaintiff's Spoliation of Evidence" (document #105). The Court warns Defendants that the reply must be filed on or before September 13, 2013 (the date replies in support of the pending dispositive motions are due), and must comply with the Court's 2000 word limit for reply briefs.

**SO ORDERED.**

Signed: September 9, 2013

  
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David S. Cayer  
United States Magistrate Judge

